

Appl. No. 10/812,449
Amdt. Dated April 12, 2005
Reply to Office action of January 12, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figures 1 and 2. These sheets, which includes Figs. 1-2, replaces the original sheets including Fig. 1-2. In Figure 1, previously omitted element 25 has been added while element numbers 21 and 63 have been deleted. In Figure 2, element number 66 has been deleted.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

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REMARKS

The Applicants have reviewed the Office action dated January 12, 2005 and thank Examiner Dunwoody for his detailed review of the pending claims and indication of allowability of claims 12-22. In response to the Office action, the Applicants have added claims 24-25. Accordingly, claims 1-25 remain in the present application. In adding the claim no new matter has been added to the application. The Applicants request reconsideration of the claims in view of the following remarks.

Amendments to the Specification and Drawings

In response to the objection to the drawings noted in the Office action, the Applicants have amended paragraph [037] of the specification and Figures 1 and 2 of the drawings. Specifically, paragraph [037] is amended to change the designation of "flange 27" to "flange (not shown)". The flange was inadvertently given an element number although not illustrated in the drawings. Additionally, Figures 1 and 2 have been amended to delete element numbers 21, 63 and 66 while adding element number 25. Element numbers 21, 63 and 66 are not designated to any features in the specification and element number 25 was inadvertently omitted from the drawings when filing. In view of these various amendments, the Applicants respectfully request removal of the objection by the Examiner to the drawings.

Claim Rejections Under 35 U.S.C. § 102

The Office action rejects claims 1-11 and 23 under 35 U.S.C. §102(b) as being anticipated by Davis (U.S. Patent No. 2,702,996). The Examiner contends that the Davis patent discloses each element of the claims. In response, the Applicants respectfully traverse the rejection.

To properly anticipate a claim, the cited reference must disclose each element. The Applicants have reviewed the Davis patent and contend that the reference fails to disclose a grease catching member (242) as claimed in independent claims 1 and 23. As claimed, the grease catching member (242) of the present application is disposed between the first and second stabilizing members (244, 248) to capture grease centrifugally displaced during rotation of the joint assembly. The Applicants have interpreted the Examiner's rejection to contend that the ribs 44 and 46 are to represent the first and second stabilizing devices (244, 248) and the annular

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recess 48 therebetween is to represent the grease catching member (242) of the claimed invention. The Applicants respectfully disagree. The recess 48 is Davis receives a collar 26 of bell housing 18 to lockingly engage the cover assembly 40 to the joint at the bell housing 18. The recess 48 of Davis does not capture grease. In fact, the boot 40 of the Davis patent is not exposed to grease because of sealing material 22 disposed enlarged collar portion 26 and torque tube 32. Therefore the Davis patent fails to teach each feature of the claimed invention and for at least that reason independent claims 1 and 23 are patentable.

Further, claims 2-11 are dependent claims of independent claim 1 and add features to the patentable subject matter present in claim 1. For at least this reason they are also patentable. Accordingly, the Applicants request removal of the rejection and allowance of claims 1-11 and 23.

New Claims

In response to the Office action the Applicants have added new dependent claims 24-25 depending from independent claim 1. In the course of adding this claim no new matter has been added, as the newly claimed feature is clearly discernable from the drawings. The Applicants believe the newly added claim further defines the patentable subject matter of the present application and respectfully request its allowance along with the remaining pending claims.

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CONCLUSION

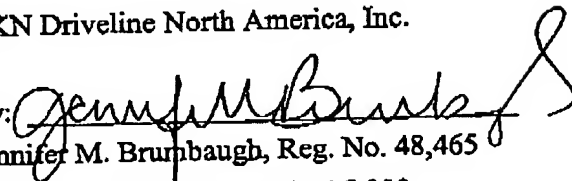
In view of the above amendments and remarks, each of the presently pending claims in the application is believed to be in immediate condition for allowance. Accordingly, it is respectfully requested that this application be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-1360, under Order No. G00342/US from which the undersigned is authorized to draw.

Respectfully submitted,

GKN Driveline North America, Inc.

Dated: April 12, 2005

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Attachments